



File Number: _____

TALBOT COUNTY OFFICE OF PLANNING & ZONING

CRITICAL AREA 100' DEVELOPMENT BUFFER **ADMINISTRATIVE VARIANCE APPLICATION**

TO THE APPLICANT: In order for this application to be processed; **ALL** of the following checklist items must be checked and all of the required information must accompany this application and /or be included on the official site plan. Any application submitted **without** all of the required documentation will be returned as incomplete. **Please submit ten (10) site plans with the following:**

- _____ 1. The proposed addition does not enlarge the existing portion of the nonconforming structure constructed prior to August 13, 1989 by more than 20% of the gross floor area. If expansion is greater than 20% of the nonconforming structure, the applicant must apply for a variance through the Board of Appeals.
- _____ 2. The subject structure is not a replacement of an existing structure.
- _____ 3. The proposed improvements will **not exceed** allowable lot coverage requirements as allowed in §190-136.
- _____ 4. A \$300.00 fee check made payable to Talbot County is included.
- _____ 5. Elevation drawings of the project have been included with the application.
- _____ 6. All stream(s) or bodies of water with appropriate setbacks have been delineated on the site plan.
- _____ 7. The closest existing point of the structure(s) to Mean High Water has been shown on the site plan.
- _____ 8. Lot coverage calculations for the entire parcel, in square foot and percentage format have been included.
- _____ 9. Lot coverage calculations for the total area within the 100' Shoreline Development Buffer, in square foot and percentage format have been included.
- _____ 10. All existing landscaped and forested areas have been shown on the site plan.
- _____ 11. All dimensions of the subject property have been shown, to scale, and said scale has been identified on the site plan.
- _____ 12. The location(s) and sizes of all existing buildings and proposed additions have been shown on the site plan.
- _____ 13. The proposed setback(s) for each addition has been drawn from all property lines, as well as, from Mean High Water.

- _____ 14. The locations and names of all adjoining road(s) have been included on the site plan.
- _____ 15. Well, septic, driveway, and all other existing features that would prohibit or hinder expansion have been shown on the site plan.
- _____ 16. Complete the Critical Area Lot Coverage Calculation Worksheet and Lot Coverage and Disturbance Calculations Sheet.

NOTE: This application is limited to the expansion of legal nonconforming structures within the 100' foot Shoreline Development Buffer along existing setbacks lines.

Please read the attached material thoroughly.

At the time the completed application is returned, a date will be scheduled for review by the Planning Commission. You may direct any questions to the Office of Planning and Zoning at (410) 770-8030.

1. Application for Variance: Complete the Administrative Variance Application form. This application informs the Commission of the purposes of the application and provides general information. You may attach additional typewritten pages if more space is needed.
2. Variance Requirements: This portion of the application sets forth the legal findings on which the Planning Officer and Planning Commission will base their decision. Please respond in writing to each of the warrants. The staff and Commission use this information to help them better understand your request. These documents contain questions you will be required to address during the review of your request. They are the basis for the Variance.
3. Location Directions: The applicant/agent is responsible for providing directions to the property in question.
4. Site Plan: The applicant is responsible for preparing a site plan which included: dimensions of the property, location of all existing buildings and proposed additions showing setbacks from property lines and names of adjoining road(s), stream(s), or bodies of water, and all other items as described and required by the application checklist. The site plan must be drawn to scale. Submit ten (10) copies with the completed application.
5. Written Acknowledgement: When the applicant is someone other than the owner of the property for which the Variance is requested, the applicant shall attach to the application the written acknowledgement of the owner that he/she has reviewed the application and concurs with its content.

The following criteria are for informational purposes only. Please read and if you have any questions please ask for clarification.

Meeting Notice: Public notice shall be given for a public meeting for an Administrative Variance application requesting recommendation by the Planning Commission.

Site Visit: Members of the Planning Office and Planning Commission may visit the site for which the Variance is requested before the meeting; however, a decision on a variance shall be decided upon the basis of the evidence of record.

Planning Office Staff Report: Before making a recommendation for any application for an Administrative Variance the Planning Commission shall seek staff comments from the Planning Office. The Planning Office shall concern itself with the necessary findings when formulating its recommendation for an Administrative Variance. The Commission may request from the Planning Office such technical service, data, or factual evidence as will further assist then in reaching decisions.

Planning Office Conditions of Approval: In granting Administrative Variances, the Planning Office may impose reasonable conditions as to ensure that the use of the property to which the Variance applies will be as practicable with the surrounding properties. Violations of such conditions, when made apart of the terms under which the Variance was granted, shall be deemed a violation, in fact, and shall be subject to provisions of Article IX of the Talbot County Code and, at the discretion of the Planning Officer, after notice and meetings, shall be grounds for the termination or revocation of the Variance.

Variance Time Limit: The Planning Officer may impose a time limit to which an approved Administrative Variance must be executed.

Planning Officer Decision: The decision and supported findings, along with any conditions attached to the decision shall be entered into and become part of the written record of the Administrative Variance request.

Critical Area Notification: The Planning Officer shall forward a copy of all Critical Area Administrative Variance applications to the Chesapeake Bay Critical Area Commission prior to Planning Commission review. Any comments received from the Critical Area Commission in response to an application for an Administrative Variance shall be forwarded to the Planning Commission and Planning Officer for consideration.

Appeal of Planning Officer Decision: Upon a determination by the Planning Officer that the proposed Administrative Variance does not meet the criteria set forth in Article IX §190-169 D, the applicant may file for an appeal in the form of an application for a Variance by the Board of Appeals in accordance with the provisions of §190-182 of the Talbot County Code.



TALBOT COUNTY OFFICE OF PLANNING & ZONING

CRITICAL AREA 100' DEVELOPMENT BUFFER
ADMINISTRATIVE VARIANCE APPLICATION

OFFICE USE ONLY:

Application Filing Date: _____

File Number: _____

Planning Commission Date: _____

Fee Paid: _____

The request is hereby made for an Administrative Variance of the 100 foot Shoreline Development Buffer pursuant to the provisions of Chapter 190, Zoning, Article VIII, §190-169D of the Talbot County Code.

Purpose of Variance: Describe Variance requested; please note existing setback, proposed setback and date of construction for existing structure. Use separate attachment if necessary.

Existing gross floor area located within 100' Shoreline Development Buffer prior to August 13, 1989: _____

20% of existing gross floor area located within 100' Shoreline Development Buffer prior to August 13, 1989 (20% of previous answer): _____

Property Owner: _____

Address of Owner: _____

Telephone Number(s): _____

Project Name: _____

Project Address: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Size: _____ Zoning: _____

Has the property ever been subject to previous Variance(s) or Appeal(s)? _____

If so, give case number(s) and date(s): _____

Applicant's name, address & telephone number if different from owner: _____

REGISTERED ENGINEER OR SURVEYOR:

Company Name: _____

Representative: _____

Address: _____

Telephone Number(s): _____ Fax Number: _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the foregoing Variance are true to the best of my (our) knowledge and belief.

Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT. Revised: 12/9/09

Any approved Administrative Variance for buffer encroachment under the provisions of Article VI, §190-146 (6) of the Talbot County Code shall be mitigated as follows:

(a) The extent of the lot or parcel shoreward of the proposed construction shall be required to remain in natural vegetation, or shall be established and maintained in vegetation as listed in the Natural Vegetation Preferred Plantings List, available from the Talbot County Department of Planning and Zoning, and per subsection (b) below:

(b) Mitigation equal to an area two (2) times the square footage of the proposed lot coverage in the Shoreline Development Buffer area will be required to be planted within the Shoreline Development Buffer. Should on-site planting of required vegetation be precluded, an off-site Shoreline Development Buffer location may be established. The applicant shall be responsible for filing a Forest Preservation Plan with the Planning Office.

(c) Should on-site or off-site Shoreline Development Buffer locations preclude the implementation of the preceding paragraph, a fee-in-lieu of 30¢ shall be provided to the County adequate to ensure the restoration or establishment of an equivalent forest area in the Shoreline Development Buffer.

A planting plan meeting the specifications noted above shall be prepared for and submitted to the Planning Office for review and approval.



File Number: _____

PLEASE PRINT OR WRITE LEGIBLY

Detailed Directions to Applicant's Property:

PLEASE STAKE OUT ALL STRUCTURES & ADDITIONS WHEN APPLICATION HAS BEEN SUBMITTED TO THIS OFFICE.



File Number: _____

TALBOT COUNTY OFFICE OF PLANNING & ZONING

CRITICAL AREA 100' DEVELOPMENT BUFFER **ADMINISTRATIVE VARIANCE REQUIREMENTS**

Variances- Permission to construct, alter, or occupy a particular building, structure or parcel of land in a way which is not in conformance with a provision or provisions of Chapter 190, Zoning, of the Talbot County Code, as a form of relief from its literal interpretations the applicant must demonstrate that:

(a) The proposed setback from the property lines for such an expansion will not be less than the existing setbacks of the legal non-conforming structure. Please describe in detail:

Response: _____

(b) The lot coverage area of the parcel's or lot's shoreline development buffer and the entire parcel or lot on which the structure is located complies with the lot requirements specified in §190-136. Please detail lot surface coverage:

Response: _____

(c) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this chapter would result in unwarranted hardship to the property owner:

Response: _____

(d) A literal interpretation of this section will deprive the property owner of rights commonly enjoyed by other property owners in the same zone:

Response: _____

(e) The granting of an administrative variance will not confer upon the property owner any special privilege that would be denied by this section to other owners of lands or structure within the same zone:

Response: _____

(f) The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property:

Response: _____

(g) The granting of an administrative variance within the Critical Area Shoreline Development Buffer will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law the Talbot County Critical Area Plan and the regulations adopted in this section:

Response: _____

(h) The variance shall not exceed the minimum necessary to relieve the unwarranted hardship:

Response: _____

The Planning Office's action will be predicated upon the applicant's compliance with the above. **All structures/additions must be staked out upon submittal prior to the Planning Office or Planning Commission's site visit.**

Date

Signature of Applicant or Designated Agent

Revised: 12/9/09



File Number: _____

Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601
410-770-8030

Independent Procedures Disclosure and Acknowledgement Form

Proposed Project Name: _____

Physical Address of Property: _____

Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Zone: _____

Name of Applicant: _____

Phone Number(s): _____

Applicant Agent: _____

Phone Number(s): _____

Property Owner: _____

Phone Number(s): _____

Applicant acknowledges and understands:

1. This Application may be subject to local, state and federal laws, Ordinances, rules, or regulations (hereafter "Laws") other than those that the Office of Planning & Zoning or Board of Appeals reviews, administers, or applies in connection with this review.
2. Other agencies, including but not limited to the Talbot County Health Department, Division of Environmental Health, Maryland Department of the Environment, U.S. Army Corps of Engineers, Maryland Department of Natural Resources, US Fish and Wildlife Service and others may also have review authority over the project or development proposed in the application.
3. Applicant remains solely responsible for compliance with all applicable laws, ordinances, rules, or regulations.
4. Applicant understands that review of this Application does not necessarily include review of any other applicable laws.
5. Applicant understands that neither the Office of Planning & Zoning nor any of its employees has authority to grant permission or approval of any project or proposed development that violates any applicable law, ordinance, rule, or regulation of Talbot County, Maryland, and that any such approval issued in error has no enforceable legal effect.

6. Applicant understands that any decision issued by the Office of Planning & Zoning or by the Board of Appeals does not necessarily guarantee or assure the applicant that this project or proposed development may proceed.

I HEREBY CERTIFY that I have read, acknowledge, and understand the foregoing.

_____ (SEAL)

Applicant

_____ (SEAL)

Applicant/Agent

For Office Use Only: Date Received: _____

Comments: _____

